FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.56 OF 2006

Office notes, office Memoranda of Coram, appearance, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

Deepa Matwankar i/by D.A.Patil for the Petitioner.

Mr.S.S.Pednekar, APP. for the State.

CORAM : R.S. MOHITE,J.
DATED : 22/3/2006.

P.C.

1. This petition impugns an order dated 17.10.2005 passed by the 1st Adhoc Additional Sessions Judge, Kalyan rejecting an application for sending the case of the applicant who was admittedly a juvenile on the date of the offence to the Juvenile Justice Board.

2. It appears that the date of the offence is 14.10.1990. The Juvenile Justice Act was not in force when the offence was committed. The application

was made for sending the matter to Juvenile Court for trial. In my view, the case is covered by Section 20 of the Juvenile Justice (Care and Protection of Children) Act,2000. The said Section is clear and provides that all proceedings in respect of a juvenile pending in any court in any area on the date on which this Act comes into force in that area, shall be continued in that court as it this Act had not been passed and if the Court finds that the juvenile has committed an offence, it shall record such finding and instead of passing any sentence in respect of the juvenile, forward the juvenile to the Board which shall pass orders in respect of that juvenile in accordance with the provisions of this Act as if it had been satisfied on inquiry under this Act that a juvenile has committed the offence.

3. In the circumstances, it cannot be said that the impugned order is

illegal. There would however, be direction to the Sessions court that in case the Sessions Court arrived at the conclusion that the juvenile had committed any offence, then trial court to record the finding and forward the juvenile to the Board for passing necessary orders. With these directions, application stands disposed off.

(R. S. MOHITE, J.)